

**DIVISION OF ENVIRONMENTAL
RESPONSE AND REMEDIATION**

**CERCLA AND UST ANNUAL GOALS
STATE FISCAL YEAR 2006**

DEPARTMENT OF ENVIRONMENTAL QUALITY

DIVISION OF ENVIRONMENTAL RESPONSE AND REMEDIATION

LEGISLATIVE PRIORITIES

STATE FISCAL YEAR 2006

- I. The Petroleum Storage Tank (PST) Fund was established to provide financial assurance for Underground Storage Tank (UST) owners to meet the requirements of the federal UST regulations. The PST Fund receives funding from participating tank owners who are charged a ½ cent environmental surcharge per gallon of petroleum when they pick up product at a refiner's rack.

The 2004 actuarial study performed by Deloitte & Touche estimates there will be a negative cash balance by 2008 if no changes are made to the program.

The State Auditor agrees with the actuarial report and has recommended the Department work with the Legislature resolve the PST Fund issue.

**DIVISION OF ENVIRONMENTAL RESPONSE AND REMEDIATION
BUDGET PRIORITIES
STATE FISCAL YEAR 2006**

- I. There is a need to continue to receive Hazardous Substances Mitigation Fund (HSMF) funding in order to meet current and future Superfund State Contract cost share obligations. Current liabilities relative to the Eureka site cleanup will be approximately \$2,200,000.00 by the end of the calendar year. The Department of Environmental Quality also has financial liability for a 10% cost share at the Intermountain Waste Oil site in Bountiful (no billing for remedial action expenditures in calendar year 2004 has been received yet). Additionally, should the Flagstaff Smelter cleanup proceed as a non-time critical removal action using Remedial Action funding, the Environmental Protection Agency has indicated that it will seek a 10% cost share on the Flagstaff residential portion.

Consequently, the funding need is to ensure the \$400,000.00 annual appropriation for HSMA for state fiscal year 2006.

- II. There is a need to continue funding a cost recovery attorney to recover public funds that were used to cleanup contaminated sites. By doing so, the environment is improved and the risk of citizens exposure to hazardous substances is reduced. Failure to continue funding a cost recovery attorney would delay the cleanup of contaminated sites.

We request that an appropriation of \$87,200.00 be continued for fiscal year 2006.

DEPARTMENT OF ENVIRONMENTAL QUALITY

DIVISION OF ENVIRONMENTAL RESPONSE AND REMEDIATION

CERCLA BRANCH

ANNUAL GOALS

STATE FISCAL YEAR 2006

I. UTAH SUPERFUND PROGRAM

1. Perform Site Assessment Work.

Measures:

- a. Conduct Site Assessment work in compliance with the Environmental Protection Agency (EPA) guidance and regulations, and complete the work according to the schedule in the Utah/EPA Cooperative Agreement.
- b. Evaluate the Site Discovery Program and report progress to the EPA quarterly.
- c. Assess the status of Site Assessment Projects quarterly to ensure the quality and efficiency of the work performed by the Branch is optimal.
- d. Monitor budgets and funding to ensure that adequate funding is available and spending is in compliance with applicable budgets and funding agreements.
- e. Respond to public inquiries regarding ongoing site activities and conduct the required Superfund public participation activities.
- f. Review and comment on the EPA lead site assessment projects.
- g. Address backlog of PA/SI sites; follow up with the EPA on the need for a quicker response regarding decision sheets for PA/SI submittals.

2. Manage Federal Superfund Projects in Utah.

Measures:

- a. Complete activities for Federal projects within the time frames negotiated with the EPA and in accordance with applicable regulations and guidance.
- b. Utilize the Project Planning Template at appropriate times, in consultation with the EPA, to establish and define agency roles and responsibilities.
- c. Ensure that adequate funding is available (through the EPA cooperative agreements, Potential Responsible Party (PRP) funding agreements, or other financial mechanisms) to perform the required duties.
- d. Monitor spending to ensure that funds are expended in compliance with applicable agreements and contracts.
- e. Inform the public of ongoing site activities and conduct the required Superfund public participation activities.

3. Manage Federal Facility Projects in Utah.

Measures:

- a. Complete activities as required by the Federal Facility Agreements (FFA) and in accordance with applicable regulations and guidance.
- b. Ensure that adequate funding is available (through the EPA cooperative agreements, Defense Superfund Memorandum Of Agreement, PRP funding agreements, or other financial mechanism) to perform the required duties.
- c. Monitor spending to ensure that funds are expended in compliance with applicable agreements.
- d. Inform the public of ongoing site activities and participate in the required community involvement activities
- e. Evaluate non Department of Defense/Department of Energy federal facilities, determine the proper state role in these projects, and provide input as appropriate.
- f. Evaluate Formerly Used Defense Sites (FUDS) in Utah, coordinate with the Division of Solid and Hazardous Waste, and partner with the Army Corps of Engineers to cleanup and close out FUDS in Utah as resources and funding allow.

4. Partner with the EPA for Brownfields Development in Utah.

Measures:

- a. Assist interested local governments with Brownfields proposal applications for pilot funding.
- b. Provide assessment services for Brownfields projects.
- c. Provide a State Brownfields coordinator for all Brownfields projects.
- d. Coordinate Brownfields activities with the appropriate EPA personnel.
- e. Promote Brownfields opportunities through community outreach.
- f. Develop the State Brownfields program as allowed by funding and legislation.
- g. Monitor the status of new federal Brownfields guidance and modify the state program as appropriate.
- h. Implement the "Brownfields and Voluntary Cleanup Program (VCP) Marketing Plan" to raise awareness of Division of Environmental Response and Remediation (DERR) services and resources available relative to Brownfields properties.

5. Perform Operation and Maintenance and Encourage Redevelopment of Sites Where Remedies are Complete.

Measures:

- a. Monitor sites in the Operation and Maintenance (O&M) Program in accordance with the approved O&M Plans, and applicable regulations and guidance.
 - b. Ensure funding, either through the EPA cooperative agreements, PRP funding agreements, or other financial mechanism to perform required O&M duties.
 - c. Monitor spending to ensure that funds are expended in compliance with applicable agreements.
 - d. Reevaluate and revise as necessary, a comprehensive plan to ensure activities associated with all sites are properly monitored on a regular frequency.
 - e. Encourage and facilitate redevelopment of remediated sites.
6. Ensure that the Branch has the equipment necessary to perform Superfund activities and that it is regularly serviced.

Measures:

- a. Continue to implement the equipment security program in order to preserve state assets, and make revisions and modifications as necessary.
- b. Continually monitor supplies and restock when necessary.
- c. Conduct an inventory and inspection of equipment during the fourth quarter of the State fiscal year and ensure that equipment is operational.

II. STATE RESPONSE PROGRAM

1. Monitor Cooperative Agreement funding under Section 128 of the Small Business Liability Relief and Brownfields Revitalization Act to enhance the State Response Program.

Measures:

- a. Ensure continued funding through annual evaluation of program, revision of scope of work, and application for new funding as needed in order to operate the State Response Program.
 - b. Receipt of cooperative agreement funding to continue program management and development.
2. Implement the Cooperative Agreement.

Measures:

- a. Develop procedures to identify, prioritize, and evaluate sites in the State Response Program.

- b. Complete site investigations through the State Response Program.
 - c. Prepare and submit the necessary reports to the EPA required by the Cooperative Agreement.
- 3. Create a Clandestine Drug Laboratory Cleanup Certification Program as required by statute.

Measures:

- a. Continue participation in planning and coordination with other stakeholders relative to the Clandestine Drug Lab Contractor Certification Program.
 - b. Finalize rules and guidance documents in support of the certification program.
 - c. Begin certification testing by August 1, 2005.
- 4. Use a stakeholder process for developing rules identifying standards for petroleum releases in soil that are non-underground storage tank related.

Measures:

- a. Identify relevant stakeholders and develop a stakeholder committee.
 - b. Draft standards and rules for implementation.

III. STATE VOLUNTARY AGREEMENT PROGRAM

- 1. Establish procedures for implementation of a voluntary agreement program and promote voluntary cleanup of contaminated sites.

Measures:

- a. Develop rules, guidance, and procedures for implementation of the State Voluntary Agreement Program as necessary.
 - b. Coordinate program processes with all of the Divisions in the Department of Environmental Quality (DEQ).
 - c. Actively promote the Voluntary Cleanup Program (VCP) as a viable option for cleanup of contaminated sites.
 - d. Meet periodically with the VCP Committee to discuss the program.
 - e. Coordinate Brownfields outreach activities with VCP outreach activities to maximize the return of contaminated properties to beneficial use.
- 2. Manage Voluntary Agreement Projects.

Measures:

- a. Complete activities for voluntary projects in accordance with applicable regulations and guidance.
- b. Monitor spending to ensure that funds are expended in compliance with applicable agreements and rules.
- c. Inform the public of ongoing site activities and conduct the appropriate public participation activities.
- d. Update the VCP site status list quarterly.
- e. Populate the tracking database with site information and institutional control data.

IV. EMERGENCY RESPONSE AND HOMELAND SECURITY PROGRAMS

1. Respond to imminent Superfund and Hazardous Substance Mitigation Act environmental hazards.

Measures:

- a. Respond to requests for assistance to the extent allowable under existing rules and resources availability.
 - b. Receive and document spill notifications and notify appropriate agencies.
2. Monitor and support the EPA Emergency Response Branch (ERB) activities.

Measures:

- a. Participate in the EPA emergency responses to the extent allowed by the EPA and resource availability.
 - b. Review and comment as appropriate on reports, agreements, and other documents associated with the EPA/ERB activities.
3. Maintain and Improve the DERR's capabilities to respond to environmental emergencies and conduct removal actions.

Measures:

- a. Continue to coordinate emergency response and Homeland security issues with the Department's Emergency Response Workgroup.
 - b. Represent the DEQ in various Homeland security meetings and workgroups.
 - c. Review and update the DERR response plan to ensure that it is current.
4. Participate in statewide Emergency Response coordination and training activities.

Measures:

- a. Participate in State wide incident exercises.
 - b. Participate in local and national committees and work groups.
 - c. Participate in statewide Homeland Security related trainings and workshops.
5. Perform required Title III [Tier II and Toxic Release Inventory (TRI)] duties.

Measures:

- a. Compile and enter the data as submitted.
- b. Prepare the annual Tier II and TRI reports.
- c. Provide data to the public when requested.
- d. Actively participate in the State Emergency Response Commission with the Division of Emergency Services.
- e. Evaluate ways to make the current Tier II and TRI data collection and entry process more efficient.

V. LEADERSHIP IN UTAH, THE WESTERN REGION, AND NATIONALLY IN THE PROGRAMS ADMINISTERED BY THE SUPERFUND BRANCH

1. Provide support to the Department in pursuing legislation to strengthen the State Program.

Measures:

- a. Recommend legislative amendments to the Department administration as requested.
 - b. Evaluate funding needs and recommend a budget to the Department as requested.
 - c. Participate in the initiative to develop legislation as requested.
2. Strengthen the State role in the Federal Superfund Program.

Measures:

- a. Promote an expanded role for States in discussions and negotiations with EPA personnel.
 - b. Participate in regional and national organizations that promote expanded State involvement in Superfund and enhance the Utah Program.
 - c. Prepare for increased State involvement in the Superfund Program when CERCLA is reauthorized.
3. Pursue Natural Resource Damages (NRD) claims at appropriate sites.

Measures:

- a. Evaluate Utah sites for potential NRD claims.
 - b. Coordinate NRD activities with appropriate and interested stakeholders.
4. Use technology to manage information in the DERR and make it available to the public.

Measures:

- a. Continue to develop and augment a response program information management system for ease of data management by project managers and utility for stakeholder and customer use.
- b. Populate database with existing information and encourage project managers to update project tracking fields on a regular basis.
- c. Participate in Department meetings and workgroups to evaluate Internet and data management issues.
- d. Evaluate the Branch's part of the Division's Internet homepage and improve and update the site to better serve customer needs.

VI. BUDGET AND FUNDING

1. Regularly evaluate the status of the Branch budget and ensure that there are adequate funds to complete the required work.

Measures:

- a. Meet monthly in Branch management meetings to review the Branch budget report.
 - b. Make adjustments to budgets as necessary and as allowed by current rules and law.
2. Obtain Funds to support Branch projects.

Measures:

- a. Enter funding agreements with appropriate parties to provide the resources necessary to ensure Branch staff are able to participate in various projects.
- b. Submit cooperative agreement applications for federal funding as necessary and appropriate.

VII. CUSTOMER SERVICE

1. Promptly respond to information requests, ensure files are current, and provide public access to Superfund records in compliance with the Government Records Access and Management Act.

Measures:

- a. Coordinate all records requests with the Division Records Officer.
 - b. Ensure that all files are current and properly organized.
2. Apply Operating Principles and the Walker Works (Maximize Human Potential, Work Smarter, and Improve Utah Today and Tomorrow) philosophy in all work activities.

Measures:

- a. Promote adherence to the Operating Principles and Walker Works philosophy in Branch staff meetings.
- b. Ensure all communications are consistent with the Operating Principles and Walker Works.

VIII. PARTNERSHIPS WITH FEDERAL, STATE, LOCAL AND TRIBAL GOVERNMENTS

1. Strengthen the working relationship with EPA counterparts and maintain a positive, professional working relationship with EPA staff.

Measures:

- a. Communicate frequently with staff, management, and support personnel at the EPA.
 - b. Meet regularly with representatives of the EPA to discuss all aspects of the Superfund program in Utah.
 - c. Maintain a partnership relationship with the EPA through application of the Operating Principles and participation in partnership meetings and retreats.
 - d. Continue to encourage and participate in an annual EPA/DERR retreat.
2. Support Department initiatives to enhance relationships with local and tribal governments, and other non-EPA federal governments.

Measures:

- a. Provide information as requested.
 - b. Participate in meetings as requested.
 - c. Ensure communication with policy makers is in accordance with the Operating Principles and the Walker Works philosophy.
3. Ensure complete and accurate information regarding Branch activities is available to all partners and customers.

Measures:

- a. Complete EPA quarterly reports as required by federal regulation.
- b. Complete Division goals report as required.
- c. Complete regular updates as required by Branch Policy.

IX. COORDINATION WITH LOCAL HEALTH DEPARTMENTS AND LOCAL GOVERNMENTS

- 1. Communicate regularly with local health officials regarding Branch activities.

Measures:

- a. Notify local health officials and district engineers regarding Branch activities in their areas.
- b. Give local health officials and district engineers' opportunity to participate in Branch activities.
- c. Coordinate identification of sites for inclusion in Branch programs with local officials.

X. EMPLOYEES

- 1. Foster a climate where employees can function at their fullest potential. Enhance staff job satisfaction and ensure staff members are recognized for their accomplishments.

Measures:

- a. Conduct Branch staff meetings at least quarterly.
 - b. Issue Quality Recognition Awards for accomplishment of major goals or milestones.
 - c. Provide recognition for quality work through On-The-Spot Awards, certificates, public recognition, verbal acknowledgments, etc.
- 2. Ensure that there is adequate staff available to conduct the required work.

Measures:

- a. Evaluate staffing needs for fiscal year 2005 based on the projected workload and funding.
 - b. Conduct recruitments as necessary to fill vacant positions.
 - c. Ensure that recruitments are completed expeditiously and efficiently.
- 3. Provide proper safety training and equipment for the Division staff and coordinate safety training for the Department staff as needed.

Measures:

- a. Track safety training for the Division staff.
 - b. Provide or coordinate the necessary safety training for the Division.
 - c. Comply with the Division health and safety program.
 - d. Monitor the safety equipment needs of the Division.
 - e. Procure equipment to ensure that all Division staff members have the necessary safety equipment.
 - f. Provide appropriate fit testing for Division staff.
4. Administrate the Medical Monitoring Program for the Division.

Measures:

- a. Track physical examinations for Division staff.
 - b. Schedule physical examinations for Division staff as necessary.
 - c. Assist with administration of the medical monitoring contract.
5. Ensure staff members are adequately trained to perform assigned duties.

Measures:

- a. Meet with individual staff members and identify individual training needs.
 - b. Provide training opportunities for staff that will improve their knowledge and skills in their individual areas of expertise.
 - c. Develop a Branch Training Plan to ensure staff members receive adequate training to perform their essential job functions.
6. Ensure staff members have a clear understanding of performance expectations and status.

Measures:

- a. Prepare clear, concise, measurable performance plans.
- b. Incorporate strategic and Branch goals into individual performance plans.
- c. Conduct mid-year informal performance evaluations.
- d. Conduct formal performance reviews annually as required by the Department of Human Resource Management.
- e. Incorporate Operating Principles and the Walker Works philosophy into performance plans.

XI. ENHANCE POLICY MAKERS (ELECTED AND APPOINTED OFFICIALS, AND BOARDS) UNDERSTANDING OF ENVIRONMENTAL ISSUES

1. Keep the statutory boards informed of Superfund Activities as requested.

2. Attend board meetings and provide project information and updates as requested.
3. Support Department efforts to inform policy makers of environmental issues.
4. Provide weekly (or as needed) project status meetings with division director for specific high profile sites in order to director informed of critical project issues.

Measures:

- a. Provide information as requested.
- b. Participate in meetings and provide input as requested.
- c. Promote DEQ policies and programs in all communication with policy makers.

DEPARTMENT OF ENVIRONMENTAL QUALITY

DIVISION OF ENVIRONMENTAL RESPONSE AND REMEDIATION

UST BRANCH

ANNUAL GOALS

STATE FISCAL YEAR 2006

I. ENVIRONMENT

1. Contaminated Leaking Underground Storage Tank (LUST) sites will be cleaned to levels that are protective of human health and the environment.

Measures:

- a. Review and closeout 80 LUST sites between July 1, 2005, and June 30, 2006.
- b. Complete the investigation of 14 LUST-Trust funded sites that have a high potential to be closed based upon the results of the investigation. These site investigations will be completed and results documented by December 31, 2005.
- c. Develop project schedules for state lead sites. Proceed according to project schedules toward site cleanup and closure.
- d. Increase the percent of confirmed LUST sites cleaned up and closed out.
- e. Monitor and evaluate the impact of Methyl Tertiary Butyl Ether on groundwater in Utah.
- f. Procure new architect and engineering contracts for LUST-Trust work by November 28, 2005.

2. Prevent releases of hazardous and toxic substances into the environment.

Measures:

- a. Conduct or ensure completion of compliance inspections at 100% of the operating facilities throughout the state by June 30, 2006.
- b. 80% of inspected facilities in substantial compliance with leak detection requirements after 60-day inspection follow-up.
- c. 90% of inspected facilities in substantial compliance with operational requirements after 60-day inspection follow-up.
- d. Identify facilities that remain out of compliance with release detection and release prevention requirements two months after the inspection date and initiate appropriate compliance action.
- e. 97% of operational facilities have current Certificate of Compliance by June 30, 2006.
- f. Track effectiveness of various leak detection methods, including undetected releases, false alarms, and inconclusive results.

3. Program development and continuous improvement for efficient and effective cleanup of LUST sites.

Measures:

- a. Prioritize potential UST enforcement actions by July 31, 2005, and update priority list quarterly.
- b. To cost recover state money used to investigate, abate, and/or cleanup LUST sites where the Responsible Party is unknown, unwilling, and/or unable, increase the number of cost recovery action initiated, funds recovered, and settlement agreements completed from the previous fiscal year.
- c. Update the UST Consultant Certification Test and Manual by March 31, 2006.
- d. Review and evaluate the need to update the LUST Reference Manual. If needed, update the Manual by June 1, 2006.
- e. Review and evaluate all LUST form letters to determine if they are still needed or if any corrections are necessary. Complete this review and necessary corrections by June 30, 2006.
- f. Convert UST Access database to MS Access 2003 by April 1, 2006.

II. EMPLOYEES

1. Provide employees clear guidance and direction to successfully fulfill their responsibilities.

Measures:

- a. Negotiate performance plans, consistent with strategic goals and objectives, with specific measurable performance criteria for all staff by June 30, 2005.
 - b. Conduct informal one-on-one performance reviews quarterly for all staff to discuss status of assigned projects and provide feedback and direction. Formal review by June 30, 2006.
2. Implement measures to allow for employee development.

Measures:

- a. Develop a training needs list by October 1, 2005.
- b. Recognize staff for specific exemplary performance in customer service, individual task accomplishments, teamwork, and support for Department Mission, Vision, and Operating Principles.
- c. If funding allows, provide training for all employees, appropriate to experience and need of each person, and provide at least one training opportunity for each staff member by June 30, 2006.

III. CUSTOMER SERVICE

1. Improve customer service by conducting proactive public communication and education activities.

Measures:

- a. Publish bi-annual Newsletter by November 2005 and May 2006.
 - b. Project managers will perform site visits to observe and document the installation and startup of all in-situ remediation systems. Project managers will perform at least two site visits per year per site to observe and document the consultant's operation and maintenance, and system performance. Site visits will be documented and the results will be reported quarterly.
 - c. Each project manager will perform 15 site visits to LUST sites in order to provide customer assistance to owners and evaluate if any known alterations to the site have changed or created additional risks.
2. Determine and evaluate budgetary requirements to manage a viable UST Program.

Measures:

- a. Complete budget for staffing, equipment, travel, and organizational needs by November 11, 2004. Review budget status within 30 days after the end of each quarter.

IV. ENHANCE POLICY MAKERS' (LEGISLATURE, OTHER ELECTED OFFICIALS, AND BOARDS) UNDERSTANDING OF ENVIRONMENTAL ISSUES

1. Keep the Utah Solid and Hazardous Waste Control Board informed of important and relevant information regarding the UST Program.

Measures:

- a. At each Solid and Hazardous Waste Control Board meeting, prepare relevant information for Board members on environmental policy issues.

V. COORDINATION WITH LOCAL HEALTH DEPARTMENTS AND LOCAL GOVERNMENTS

1. Provide adequate oversight of local health departments.

Measures:

- a. Review contract performance with local health departments by December 1, 2005, and May 15, 2006.
- b. Conduct semi-annual inspector training by December 31, 2005, and June 30, 2006.